



A Tradition of Stewardship
A Commitment to Service

Napa County Fire Department
Fire Marshal's Office
Hall of Justice, 2nd Floor
1125 3rd Street
Napa, CA 94559

Office: (707) 299-1461

pete.munoa@countyofnapa.org

Pete Muñoa
Fire Marshal

INTER-OFFICE MEMORANDUM

TO: Ronald Gee
Planning, Building and Environmental Services

FROM: Pete Muñoa
Fire Department

DATE: October 23, 2013

Subject: P13-00331 APN# 057-300-00, 003 and 004

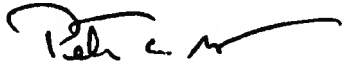
SITE ADDRESS: 398 Devlin Road, Napa CA 94558
Farm Collective Winery

The Napa County Fire Marshal's Office has reviewed the Use Permit application for the project listed above. I am requesting that the comments below be incorporated into the project conditions should the Planning Commission approve this project.

1. **All construction and use of the facility shall comply with all applicable standards, codes, regulations, and standards at the time of building permit issuance.**
2. **All fire department access roads and driveways shall comply with the Napa County Public Works Road and Street Standards.**
3. The numerical address of the facility shall be posted on the street side of the buildings visible from both directions and shall be a minimum of 4-inches in height on a contrasting background. Numbers shall be reflective and/or illuminated.
4. All commercial use buildings over 3,600 square feet shall be equipped with an automatic fire sprinkler system conforming to NFPA 13 2010 edition with water flow monitoring to a Central Receiving Station.

5. Tenant improvements that will compartmentalize spaces within a shell building into individual uses shall be equipped with fire alarm systems that comply with the CBC 2010 edition and conform with NFPA 72 2010 edition. Fire Sprinklers shall be installed per NFPA 13 2010 edition.
6. Provide fire department access roads to within 150 feet of any exterior portion of the buildings. Fire department access roads shall be a minimum of 20 feet in width with a 15 foot clear vertical clearance.
7. Blue dot reflectors shall be installed 12-inches off centerline in front of all fire hydrants.
8. All fire hydrants shall be painted chrome/safety yellow.
9. Approved steamer fire hydrants shall be installed a maximum distance of 250 feet from any point on approved fire apparatus access roads.
10. Current serviced and tagged 2A 10BC fire extinguishers shall be mounted 3.5 to 5 feet from the top of all extinguishers to the finished floor and be reachable within 75 feet of travel distance from any portion of all buildings.
11. All exit doors shall open without the use of a key or any special knowledge or effort.
12. Install illuminated exit signs throughout the buildings per the California Building Code 2010 edition.
13. Install emergency back-up lighting throughout the buildings per the California Building Code 2010 edition.
14. Install laminated 11" x 17" site plans and building drawings in NCFD specified KNOX CABINET. Two Master keys to all exterior doors shall be provided in the KNOX CABINET. A PDF file shall be sent to the Napa County fire Marshal's Office.
15. Beneficial occupancy **will not be granted** until all fire department fire and life safety items have been installed, tested and finalized.
16. Provide 100 feet of defensible space around all structures.
17. Provide 10 feet of defensible space fire hazard reduction on both sides of all roadways of the facility.
18. Designated fire lanes shall be painted red with white 4 inch high white letters to read "NO PARKING FIRE LANE-CVC22500.1" stenciled on the tops of the curbs every 30 feet.
19. Barricades shall be provided to protect any natural gas meter, fire hydrants, or other fire department control devices, which may be subject to vehicular damage.

20. Plans detailing compliance with the fire and life safety conditions of approval shall be submitted to Napa County for review and approval prior to building permit issuance and/or as described above.

A handwritten signature in black ink, appearing to read "Pete Muñoa", with a long horizontal flourish extending to the right.

Pete Muñoa
Fire Marshal

CITY OF AMERICAN CANYON



October 30, 2013

Vineyard Commons Owners Association
c/o Windsor Management
Attn: Elizabeth Bunker
250 Lafayette Circle, Suite 100
Lafayette, CA 94549

SUBJECT: Napa Vineyards Commons, LLC
390 Devlin Road
(APN 057-300-001, 002 003 004 and 005)

Dear Ms. Bunker:

The City has received a Will-Serve request from Napa Vineyards Commons, LLC (as the "Owner/Applicant") relating to the subdivision of APN 057-250-007. A Will-Serve Letter was completed for Made in Napa Valley (APN 057-250-007) on April 19, 2006. The Will-Serve Letter allocated an average annual day demand of 3,480 gallons per day to the parcel. In 2007 the parcel was subdivided into six parcels: APN 057-250-035, 057-300-001, 057-300-002, 057-300-003, 057-300-004; and 057-300-005. A revised Will-Serve Letter dated March 19, 2013, allocated an average annual-day demand of 720 gpd to 390 Devlin Road (APN 057-300-001, 002, 003, 004 and 005). The applicant proposes a change of use for the property which necessitates an additional water demand.

The site contains four commercial condominiums (totaling 25,488 square feet) and one common area. The City's understanding of the current request for water service for the parcel is based on a submittal package from the Applicant received on September 24, 2013. According to the Applicant's civil engineer and the summary table below, the average water demand is estimated to be 632 gallons per acre, per day.

Storage Space	25,488 square feet
Total lot acreage:	2.34 acres
<u>Anticipated Average-Day Demand</u> in gallons per day:	
Domestic	165 gpd
Irrigation*	0 gpd
Industrial	1,315 gpd
Total	1,480 gpd
<u>Anticipated Maximum-Day Demand</u> in gallons per day:	
Domestic	248 gpd
Irrigation*	0 gpd
Industrial	1,973 gpd
Total	2,221 gpd

* Irrigation water is supplied by NSD (recycled water)



Water Service Conditions

The City reviews proposed developments to ensure that Will-Serve Letters are issued based on assumed water and sewer demands for specified allowed densities of development, taking into account the overall demand for water and the overall demand for effluent discharge within the City's system.

The City will provide the level of water service requested by the Applicant, subject to the occurrence or satisfaction of the following conditions and/or the continued existence of the following described conditions:

1. Applicant shall be subject to the City's rules and regulations in force at the time application for service for the authorized and described development is made, including all fees and charges, unless otherwise agreed in writing.
2. Applicant shall construct all facilities required to serve the development property which shall be determined by the City based on the authorized and described development. Applicant shall bear 100-percent of the costs of the facilities required to serve the development property, subject to review and approval of the City's Public Works Department. Applicant shall also be responsible for paying its proportionate fair-share allocation of any additional regional facilities required to serve the development property, including, but not limited to, participation in a mutual beneficial assessment district to be initiated by others.
3. Applicant shall submit to the City cost estimates for the construction of all on- and off-site public water facilities required for the authorized and described development. If the City finds the costs reasonable, the Applicant shall pay to the City an amount equal to Applicant's proportionate fair share of 5% of the agreed-upon construction costs to cover plan check and inspection services per the City's master fee schedule. Per the City's fiscal policy, plan check & inspection services are performed on a full cost recovery basis. Should additional funds be required, the applicant agrees to pay additional invoices. This Will-Serve Letter is conditional upon the City's agreeing in writing to the estimated costs.
4. Because the City faces a cutback of up to 96% in its allocation from the State Water Project during extremely dry years, as documented by the City's Urban Water Management Plan, it is seeking additional water supply in the form of transfers of rights. The cost of this water supply is not known nor is it included in the current City water rates. The City may institute in the future a drought surcharge on all existing and new customers in order to finance a drought reserve. The Applicant agrees to waive any protest to such a drought surcharge during its formulation and implementation and review under the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA").
5. As a result of *Vineyard Area Citizens for Responsible Growth v. Rancho Cordova* (2007) 40 Cal.4th 412, the lead agency as defined under CEQA, here the County, in its environmental review of a development project, including what is currently proposed by the Applicant, must at a minimum accomplish an environmental review under CEQA that: (a) presents sufficient facts to evaluate the pros and cons of supplying the water that the project will need; (b) presents an analysis that assumes that all phases of the project will be built and will need water, and includes an analysis to the extent reasonably possible of the consequences of the impacts of providing water to the entire project; and (c) where it is impossible to determine that anticipated future water sources will be available, some discussion of possible replacement sources or alternatives to use

of anticipated water and of the environmental consequences of those impacts must be presented. *Vineyard, supra*, 40 Cal.4th 430-434.

6. The City Council of the City of American Canyon adopted a Zero Water Footprint (ZWF) policy on October 23, 2007, which requires development to offset all (100%) of its water demand. As a result of this policy, Applicants who do not meet the ZWF will be required to pay a surcharge on their monthly water rate. The project does not have a ZWF because it is requesting a new average-day water demand. Therefore, this project is subject to a water demand surcharge.
7. Financial Obligation for Water Service:
 - a. Monthly water service charge will be \$5.43 per 100 cubic feet. This fee is subject to change to coincide with current City of Vallejo water rates if those rates change. The estimated monthly water service charge based on 1,480 gpd average daily water demand is approximately \$322 per month.
 - b. The water capacity fee for the subject use is \$0. Previous water capacity fees were paid in 2006, 2007 and 2008. The current maximum-day water demand request is less than the maximum day water demand capacity purchased through the previous capacity fees paid.
 - c. There are no mitigation fees associated with this project because the project is located in the Napa Valley Gateway Development.
8. City records as of the date of this letter indicate that 163,490 gpd of water are being used by existing projects or have been allocated to permitted development projects within Napa Valley Gateway Development (NVGD). This project will add 760 gpd to the NVGD water demand for a total water demand of 164,250. This number is less than the cap of 191,100 gpd agreed upon between the City of American Canyon and Mr. Charles Slutzkin of NVGD on December 13, 2002.
9. There is no Water Supply Report because the project is located in the Napa Valley Gateway Development.
10. The City reserves the right to audit the site's water demand as deemed necessary in order to verify that the applicant's water use is in accordance with this Will-Serve Letter.

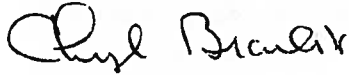
This Will-Serve Letter supersedes all prior purported Will-Serve Letters and service commitments to the development of the Property with any use. This Will-Serve Letter will remain valid for a period of two years from its date and is only valid for the authorized development. The City reserves the right to further condition extension of water service if development different from that presently proposed and authorized is pursued or if events out the City's control affect the City's ability to furnish water.

Except to the extent set forth, this letter does not create a liability or responsibility to the Applicant or to any third party on behalf of the City. The City does not make a determination as to land use entitlements required for the proposed project, and the issuance of this Will-Serve Letter shall not be construed to be an expression of the City of a position regarding the use or intensity of use of the development property or that the County has complied with applicable law in assessing the proposed project under CEQA.

Letter to Elizabeth Bunker
October 30, 2013
Page 4

This Will-Serve Letter only becomes effective upon acceptance of the conditions set forth in this letter by execution of the acceptance provision set forth below and the transmittal of the executed acceptance to the City Public Works Department.

Sincerely yours,



Jason B. Holley, P.E.
Interim Public Works Director

cc: Dana Shigley, City Manager
William Ross, City Attorney
Barry Whitley, Finance Director
Greg Baer, Community Development Department
Susan Presto, Finance Department
Utility Billing
Charles Slutzkin, Napa Valley Gateway
Sean Trippi, Napa County Planning

ACCEPTANCE
of
WILL-SERVE CONDITIONS
for
NAPA VINEYARD COMMONS, LLC

390 Devlin Road

APN 057-300-001, 002 003, 004 and 005

I, Elizabeth Bunker, accept the conditions set forth in this
communication.

Elizabeth Bunker, Manager
(Print Name and Title)

[Signature]
(Signature)

Date: 11/17/13



Dedicated to Preserving the Napa River for Generations to Come

RECEIVED

NOV 19 2013

Napa County Planning, Building
& Environmental Services

November 15, 2013

Conservation, Development and Planning Department
County of Napa
1195 Third Street, Room 210
Napa, CA 94559

SUBJECT: APN's 057-300-003 and 057-300-004 – Proposed Farm Collective Winery

To Whom It May Concern:

The Napa Sanitation District has received a request to provide a "Will Serve" letter for two existing commercial condominiums which are currently within the District's Boundary. The development will consist of 10,930 square feet of winery warehouse space which will utilize a hold and haul system and **will not** be served by the District and 1,815 square feet of associated office/retail space. The District will serve the associated office space based on the criteria provided by the applicant. The District has been informed that the proposed development will generate approximately 183 gallons of wastewater per day which is equivalent to approximately 1 single-family dwelling.

The applicant will be required to install the sanitary sewer improvements as specified in the District's Conditions of Approval for the project established at the time of application. The applicant will be required to pay the appropriate connection and inspection fees, and shall be subject to all applicable rules and regulations of the District. Additionally, the applicant will be required to obtain a zero waste discharge permit for the winery hold and haul system. In the future if the applicant elects to discharge the winery waste additional requirements will be established based on use.

It should be noted that this area is within the District's Recycled Water Benefit Zone. The development will be required use recycled water for landscape irrigation.

This "Will Serve" letter is valid for a period of two years from the date of this letter. If the proposed development has not obtained its required Connection Permits from the District at the end of this time, this "Will Serve" letter shall become void.

If you have any questions regarding this matter, please contact Robin Gamble Holley at (707) 258-6031 or at rgamble@napasan.com.

Sincerely,

Timothy B. Healy, P.E.
General Manager/District Engineer

by: Robin Gamble Holley
Junior Engineer



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Pete Parkinson
Interim Director

MEMORANDUM

To: Ron Gee, Project Planner	From: Kim Withrow, Senior Environmental Health Specialist
Date: December 10, 2013	Re: Use Permit – Farm Collective Winery APN: 057-300-001, -003, -004 Project #: P13-00331

The application requesting approval to construct a new 80,000 gallon per year winery in existing structures has been reviewed. This Division has no objection to approval of the application with the following conditions of approval:

1. As indicated in application materials, proposed food service will be catered; therefore, all food must be prepared and served by a Napa County permitted caterer. If the caterer selected does not possess a valid Napa County Permit to operate, the applicant shall refer the business to this Division for assistance in obtaining the required permit prior to providing any food service.
2. Pursuant to Chapter 6.95 of the California Health and Safety Code, businesses that store hazardous materials above threshold planning quantities (55 gallons liquid, 200 cubic feet compressed gas, or 500 pounds of solids) shall obtain a permit and file an approved Hazardous Materials Business Plan with this Division within 30 days of said activities. If the business does not store hazardous materials above threshold planning quantities, the applicant shall submit the Business Activities Page indicating such.
3. The applicant shall file a Notice of Intent (NOI) and complete a Storm Water Pollution Prevention Plan with the State of California Water Resources Control Board's (SWRCB) Industrial Permitting program, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Additional information, including a list of regulated SIC codes, may be found at: http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml

Additionally, the applicant shall file for a storm water permit from this Division, if applicable, within 30 days of receiving a temporary or final certificate of occupancy. Certain facilities may be exempt from storm water permitting. A verification inspection will be conducted to determine if exemption applies.

4. A permit to construct the proposed hold and haul system must be secured from this Division prior to approval of a building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system.
5. Plans for the proposed hold and haul system shall be designed by a licensed Civil Engineer or Registered Environmental Health Specialist and be accompanied by complete design criteria based upon local conditions. No building clearance (or issuance of a building permit) for any structure that generates wastewater to be disposed of by this system will be approved until such plans are approved by this Division.
6. An annual hold and haul operating permit must be obtained for the hold and haul system prior to issuance of a final on the project. The monitoring, as required by this permit, must be fully complied with.
7. All solid waste shall be stored and disposed of in a manner to prevent nuisances or health threats from insects, vectors and odors.
8. During the construction, demolition, or renovation period of the project the applicant must use the franchised garbage hauler for the service area in which they are located for all wastes generated during project development, unless applicant transports their own waste. If the applicant transports their own waste, they must use the appropriate landfill or solid waste transfer station for the service area in which the project is located.
9. Adequate area must be provided for collection of recyclables. The applicant must work with the franchised garbage hauler for the service area in which they are located, in order to determine the area and the access needed for the collection site.
10. All sanitary waste lines from the proposed development must be connected to the Napa Sanitation District.
11. The proposed development must be connected to the American Canyon water system.



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Planning, Building & Environmental Services

1195 Third Street, Suite 210
Napa, CA 94559
www.countyofnapa.org

Pete Parkinson
Interim Director

MEMORANDUM

To: Ron Gee, Planning Division	From: Jeannette Doss, Engineering and Conservation Division <i>JD</i>
Date: December 11, 2013	Re: Farm Collective Winery Use Permit - Engineering CoA 394/ 396 Devlin Road, Napa, CA P13-00331 APN 057-300-001, 057-300-003, and 057-300-004

The Engineering Division received a referral for comment on a new use permit for the Farm Collective Winery, generally requesting the following:

To establish an 80,000 gallons per year winery within two existing commercial condominiums at 394/396 Devlin Road within the Airport Industrial Area Specific Plan. An approximate 11,050 square foot portion of the existing condominium will be converted to production and an approximate 2,815 square foot portion will be converted to office, storage, and lab. The two existing condominiums are allocated 32 parking spaces out of the the approximate 184 parking spaces onsite; allow 2 full-time employees and 2-part-time employees; install a hold and haul process wastewater system with Napa Sanitation District providing the domestic water; allow a marketing plan that includes up to 30 visitors by appointment per day, twelve events per year with up to 100 people per event, and one wine auction event per year with up to 100 visitors per event.

After careful review of the use permit submittal the Engineering Division recommends approval of the project with the following recommended conditions:

EXISTING CONDITIONS:

1. Napa County parcels 057-300-001, 057-300-003, and 057-300-004 are located on Devlin Road in Napa.
2. The existing parcel are approximately 1.77 acres.
3. Site is currently developed with a warehouse building.

RECOMMENDED CONDITIONS:

PARKING:

1. Any parking proposed by the applicant or required by the Planning Commission as a condition of this permit must conform to the requirements of the latest edition of the Napa County Road and Street Standards.

NEW PRIVATE ACCESS ROADS AND DRIVEWAYS:

2. All roadway construction associated with this application shall conform to the current Road and Street Standards of Napa County at the time of permit submittal and accepted construction and inspection practices.
3. Access drives shall meet the requirements of a commercial drive and be a minimum of 18 feet wide with 2 feet of shoulder. Structural section shall be a minimum two inches of asphalt concrete surface over five inches of Class II Aggregate or equivalent. (County Road and Street Standards, Page 12, Par. 13).
4. Structural section of all drive isles shall be calculated by a licensed Civil or Geotechnical Engineer to hold a minimum H20 loading and shall conform to the procedures contained in Chapter 600 of the State of California Department of Transportation Design Manual or approved equivalent
5. All driveway access to the public right of way must conform to the latest edition of the Napa County Road and Street Standards (Page 65, Detail P-4). Outbound driveway widths shall be a minimum of 25 feet to accommodate turning movements of large trucks.
6. The applicant must obtain an encroachment permit prior to any work performed within the Napa County Right-of-Way.

SITE IMPROVEMENTS:

7. All on site civil improvements proposed, including but not limited to, the excavation, fill, general grading, drainage, curb, gutter, surface drainage, storm drainage, parking, and drive isles, shall be constructed according to plans prepared by a registered civil engineer, which will be reviewed and approved by this office prior to the commencement of any on site land preparation or construction. Plans shall be submitted with the building and/or grading permit documents at the time of permit application. A plan check fee will apply.
8. Proposed drainage for the development shall be shown on the improvement plans and shall be accomplished to avoid the diversion or concentration of storm water runoff onto adjacent properties. Plan shall also indicate the path and changes in runoff.
9. Grading and drainage improvements shall be constructed according to the latest "Napa County Road and Street Standards" and the California Building Code. Specifically, all cuts and fills slopes shall be setback to meet the latest CBC.

10. If excess material is generated that cannot be used onsite, the Owner shall furnish to the Napa County Planning, Building and Environmental Services Department evidence that the Owner has entered into agreements with the property owners of the site involved and has obtained the permits, licenses and clearances prior to commencing any off-hauling operations.

OTHER RECOMMENDATIONS:

11. Prior to the issuance of applicable building or grading permits the applicant must obtain all appropriate regulatory permits from the Regional Water Quality Control Board, Army Corp. of Engineers and Fish & Game.
12. Prior to the issuance of any grading or building permit, or the signing of improvement plans, the permittee and County shall survey and document the condition of the nearest County roads before construction begins, and then reevaluate conditions at the end of construction. Prior to Occupancy of any buildings or commencement of any use, the permittee shall be responsible for repair of any pavement degraded due to its construction vehicles.
13. The Applicant must comply with all associated requirements and exhibits relating to water conditions to be imposed on all parcels as described in Napa County Agreement No. 7070, between the County of Napa and the City of American Canyon. This agreement and all its parts shall be effective as of July 3rd, 2008. (See Attached Exhibits E,F,G,H)

AIRPORT SPECIFIC CONDITIONS

14. Applicant will pay the applicable Napa County Airport Industrial Area Traffic Mitigation Fees prior to receiving any building permits for this project. The applicant should contact the Public Works office to obtain information regarding the determination of this fee.
15. All Public Works and civil site related improvements shall conform to the latest Napa County Road and Street Standards and the latest Napa County AIASP.
16. Any necessary storm drainage improvements shall conform to the latest "Napa County Road and Street Standards".

CONSTRUCTION STORMWATER REQUIREMENTS:

17. Any Project that requires a building or grading permit shall complete a Napa County Construction Site Runoff Control Requirements Appendix A - Project Applicability Checklist and shall submit this form to the Napa County Planning, Building and Environmental Services Department for review.
18. All earth disturbing activities shall include measures to prevent erosion, sediment, and waste materials from leaving the site and entering waterways both during and after construction in conformance with

the Napa County Stormwater Ordinance 1240 and the latest adopted state regulations. Best Management Practices (BMPs) shall also be implemented to minimize dust at all times.

19. Any construction activity that equals or exceeds one acre of total disturbed area shall prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the regulations of California Regional Water Quality Control Board (SRWQCB) and shall file a Notice of Intent (NOI) prior to commencement of any construction activity. The completed SWPPP shall be submitted to the Napa County Planning, Building and Environmental Services Department for review.
20. All hazardous materials stored and used on-site during construction that could cause water pollution (e.g. motor oil, cleaning chemicals, paints, concrete, etc.) shall be stored and used in a manner that will not cause pollution, with secondary containment provided. Such storage areas shall be regularly cleaned to remove litter and debris. Any spills shall be promptly cleaned up and appropriate authorities notified.
21. All trash enclosures must be covered and protected from rain, roof, and surface drainage.
22. The property owner shall inform all individuals, who will take part in the construction process, of these requirements.

POST-CONSTRUCTION RUNOFF MANAGEMENT REQUIREMENTS:

23. Project must conform and incorporate all appropriate Site Design, Source Control and Treatment Control Best Management Practices as required by the Napa County manual for *Post-Construction Runoff Management Requirements* which is available at the Planning, Building and Environmental Services Department office.
24. Parking lots and other impervious areas shall be designed to drain through grassy swales, buffer strips, sand filters or other sediment control methods which will be approved by this Department. If any discharge of concentrated surface waters is proposed into any "Waters of the State," the permittee shall consult with and secure any necessary permits from the State Regional Water Quality Control Board prior to the issuance of applicable construction permits.
25. Loading/unloading dock and processing areas must be covered or designed to preclude stormwater run-on and runoff. All direct connections to storm drains from depressed loading docks (truck wells) are prohibited. Processing areas that generate liquid wastes shall drain to the sanitary sewer system or other approved collection system per the requirements of Environmental Services.
26. Trash storage areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, and screened or walled to prevent off-site transport of trash. Trash storage areas must contain a roof or awning to minimize direct precipitation or contain attached lids on all trash containers that exclude rain.

27. Provide concrete stamping, or equivalent, of all stormwater conveyance system inlets and catch basins within the project area with prohibitive language (e.g., “No Dumping – Drains to Napa River”). Signage shall identify the receiving water the drain discharges to and include a message in Spanish.

Note: The Napa County MS4 Phase II permit allows for the following exceptions to the requirements for Bioretention Facilities:

“Exceptions to Requirements for Bioretention Facilities - Contingent on a demonstration that use of bioretention or a facility of equivalent effectiveness is infeasible, other types of biotreatment or media filters (such as tree-box-type biofilters or in-vault media filters) may be used for the following categories of Regulated Projects:

- 1 - Projects creating or replacing an acre or less of impervious area, and located in a designated pedestrian-oriented commercial district (i.e., smart growth projects), and having at least 85% of the entire project site covered by permanent structures;*
- 2- Facilities receiving runoff solely from existing (pre-project) impervious areas; and*
- 3 - Historic sites, structures or landscapes that cannot alter their original configuration in order to maintain their historic integrity.”*

Therefore, because this project involves the modification to an existing building and existing raised loading dock, item number 2 (facilities receiving runoff solely from existing (pre-project) impervious areas) above applies. In lieu of a bioretention facility and covering the loading dock the applicant has proposed to install hydrodynamic separator units in the existing storm drain system along with installation of spill kits at all the loading docks.

The Engineering Division agrees that with the proper installation and maintenance of the hydrodynamic separator units and the spill kits that the project will meet the goal of treating the Post-Construction Runoff for the following pollutants: sediment, nutrients, metals, oil and grease, and organics.

28. Prior to final occupancy the property owner must legally record an “implementation and maintenance agreement” approved by the Planning, Building, and Environmental Services Department to ensure all post-construction structures on the property remain functional and operational for the indefinite duration of the project.
29. Each year the entity responsible for maintenance is required to complete an annual report. The report shall be signed by the property owner and include copies of completed inspection and maintenance checklists to document that maintenance activities were conducted during the previous year. The annual report shall be retained for a period of at least five years and made available upon request by the County.

Any changes in use may necessitate additional conditions for approval.

If you have any questions regarding the above items please contact Jeannette Doss at 253-4417.

EXHIBIT E

Water Conditions To Be Imposed On All Parcels (City Customers and Outside Customers) For Which New Water Service is Requested

The City of American Canyon ("City") may impose the conditions listed below on new water services for Outside Customers by including these conditions in the "will-serve" letters that the City provides to such Outside Customers, but only if the City also imposes the same conditions on all new water services for parcels with similar uses within the City's limits. The County shall include these same conditions in all new land use development permits for parcels within the Airport Industrial Area Specific Plan area.

1. **City Capacity Fees and Conditions of Approval for Water Service.** Capacity Fees charged for parcels within the City's Water Service Area shall be established by the City and will be periodically reviewed and updated. Capacity Fees (also known as Connection Fees) will be uniform throughout the Water Service Area, regardless of whether the parcel to which the fee applies is inside or outside the City's Limits. The Capacity Fee and any conditions on new water service will be determined based on the Water Supply Report, which shall contain the analysis described in Part II.C. of Exhibit "F" of this Agreement, and which will be consistent with the City's Zero Water Footprint Policy, adopted by the City on October 23, 2007.
2. **Cost of Water Service.** The cost of new water service shall be imposed through the capacity fees in the City's Ordinance 2007-09 or through new capacity fees approved by the County and enacted in a new City ordinance. However, if the Water Supply Report finds, consistent with the City's Zero Water Footprint Policy (see Exhibit F), that the City will have to obtain additional water supplies to meet "dry year" shortfalls, then the cost of water to meet such "dry year" shortfalls will be the sole responsibility of the Applicant. In determining whether or not such "dry year" shortfalls will occur, the City shall include in the base supplies available to the City during "dry years" the new water supplies that have been or will be included in the calculations used to set the City's Capacity Fees and water rates. The City will conclude that "dry year" shortfalls will occur only if such base supplies will not be adequate to meet anticipated "dry year" demands. The City may not impose any costs on the Applicant under this section to reimburse the City for any capital or operating costs that have been or will be included in the calculations used to set the City's Capacity Fees or water rates. The City may impose the additional costs described in the preceding sentence on Outside Customers only if the City also imposes such additional costs uniformly on City Customers.
3. **Maximum Allowable Water Use.** Water received from the City for use on parcels within the Airport Industrial Area Specific Plan area and on parcels with similar uses within the City's limits shall be limited to an average of 650 gallons of water per day per acre (measured monthly), and Applicants for new or increased City water service for all such parcels shall be required to demonstrate to the City while the City is preparing the Water Supply Report for the Applicant the maximum extent to which the Applicant can further reduce its water consumption by applying the following best management practices:

- **No Flow or Low Flow Fixtures.** These Applicants shall be required to install no flow or low flow water fixtures, and to implement other reasonable water conservation measures that are described in the City's Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.
- **Drought Tolerant Landscape & Irrigation with Recycled Water.** These Applicants shall be required to use only drought tolerant landscaping, and they may only irrigate landscaped areas with recycled water, when it is available.
- **Purple Pipe.** These Applicants shall be required to dual plumb their buildings and install "purple pipe" in all landscape areas in anticipation of the availability of recycled water and shall use the recycled water when available.
- These Applicants shall follow the water conservation methods that are described in the Water Conservation Guidelines adopted in the City's Resolution No. 2008-08 or in new City water conservation guidelines approved by the County and adopted in a new City ordinance or resolution.

The City may apply the provisions of this Paragraph 3 to Applicants for new or increased City water service for parcels within the Airport Industrial Area Specific Plan area only if the City also uniformly applies these provisions to all Applicants for new or increased City water service for parcels with similar uses within the City's limits.

4. **Water Offsets.** Applicants for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits that wish to use more than an average of 650 gallons of water per day per acre (measured monthly) shall offset the proposed water use over 650 gallons per day per acre (measured monthly) through the use of one or more options that are made available by the City to the Applicants. These options include, but are not limited to, retrofitting of existing residences with low flow fixtures, purchase of otherwise developable land as permanent open space, or acquisition of other water supply resources as provided for by a water supply analysis that follows the Zero Water Footprint Methodology described in Exhibit F. The City shall make all such options available uniformly to Applicant for City water service for parcels within the Airport Industrial Area Specific Plan area and for parcels with similar uses within the City's limits, and that seek such offsets.

5. **Drought Restrictions.** To the extent permitted by law, the City may curtail or ration the use of water provided by the City below the limit of 650 gallons per day per acre (measured monthly) in dry years through the imposition of drought restrictions that are uniformly applied throughout the City's Water Service Area.

EXHIBIT F

Zero Water Footprint and Water Supply Report Methodology

I. PURPOSE

To implement the Zero Water Footprint Policy adopted by the City Council on October 23, 2007. In this policy, "Zero Water Footprint" is defined as:

"No loss in reliability or increase in water rates for existing water service customers due to requested increased demand for water within the City's Water Service Area."

II. PROCEDURES

- A) Initial Request.** Applicants for all projects requiring additional water supplies from the City of American Canyon, either inside City limits or in the City's Water Service Area but outside of City limits, shall complete a water supply worksheet estimating average and peak use for indoor and outdoor uses and provide the completed worksheet to the City's Engineering Division.
- B) Evaluation of Water Footprint.** The Engineering Division shall evaluate the water footprint of the project, using the water supply worksheet provided by the Applicant, to determine whether a Water Supply Report is required. A Water Supply Report will not be required if the project meets the adopted Zero Water Footprint definition. This can be accomplished by projects with no additional water demand or by projects which offset increased water demand by off-site conservation measures.
- C) Water Supply Report.** A Water Supply Report shall be prepared for all projects that do not meet the adopted Zero Water Footprint definition. The Water Supply Report shall be prepared by the City of American Canyon at the cost of the project applicant. The Water Supply Report shall be substantially in the form of the report approved in the City's Resolution No. 2008-02, or in a new form approved by the County and approved by the City in a new resolution and shall include the following analysis:
 - 1) Water service request
 - a) Description of project
 - b) Water service request
 - (i) Average Daily Demand
 - (ii) Peak Day Demand
 - c) Conservation Measures Included in Project
 - 2) Consistency
 - a) Urban Water Management Plan
 - b) Recycled Water Facilities Plan
 - c) Water Conservation Implementation Guidelines
 - 3) Water footprint
 - a) Zero Water Footprint Definition
 - b) Project's impact on reliability
 - c) Project's impact on rates

- d) Project's water footprint
- 4) Project's contribution
 - a) Capacity fee
 - b) Reimbursable improvements
- 5) Capital program status
 - a) Summary
 - b) System planning status
 - c) Water supply
 - (i) Water supply implementation status
 - (ii) Water supply alternatives
 - d) Water treatment
 - (i) Water treatment implementation status
 - (ii) Water treatment alternatives
 - e) Water storage, transmission, and distribution status
 - f) Water capital program financial status
- 6) Vineyards analysis
 - a) Vineyards decision
 - b) Facts with respect to solutions to water supply problems
 - c) Water supply over the life of the project
 - d) Impacts of likely future water sources
 - e) Possible replacement sources and their impacts
- 7) Recommended mitigations
 - a) Long term water mitigations
 - b) Short term water mitigations
- 8) Opportunities to reduce project's water footprint
 - a) On-site conservation opportunities
 - b) Off-site conservation opportunities

D) Applicant Review of Water Supply Report. The Water Supply Report, once approved by the City, will be furnished to the project applicant. If the applicant elects to revise the project to reduce the water footprint, the Water Supply Report may be revised at the applicant's cost.

E) Water Will Serve Letter. Water will-serve letters are required for projects outside of the Napa Valley Gateway project limits that are requesting increased water services from the City. The Napa Valley Gateway project is subject to the terms and conditions of a will-serve letter for the entire project agreed upon between the City of American Canyon and Charles Slutzkin of Napa Valley Gateway Limited in a will-serve letter agreement dated December 13, 2002. So long as the terms and conditions of that will-serve letter agreement are complied with, developments of parcels within the Napa Valley Gateway project limits will not require any Water Supply Report or additional will-serve letters.

EXHIBIT G

Appeal Procedure: Zero Water Footprint Methodology

1. **Grounds for Appeal- Conditions of Approval.** If the water service application is for a parcel outside the City's limits, then the City shall, within 30 days of receipt of such application, provide to the Applicant and the County any conditions of approval that the City proposes to impose on the parcel at least 90 days before imposing the conditions of approval.

Conditions of approval that result from the Water Supply Report and that the City proposes to include in a water service will-serve letter that will be issued by the City for a parcel outside of the City's limits may be appealed by an Applicant under the process described in Section 3 below.

2. **Exceptions:** An appeal may not challenge water rates imposed by the City that are consistent with *Hansen v. City of San Buenaventura* (1986) 42 Cal.3d 1172, and the City's Ordinance 2007-13. An appeal also may not challenge Capacity Fees that are set pursuant to the City's Ordinance 2007-09, or new capacity fees approved by the County and enacted in a new City ordinance.

3. **Appeal Process and Appeal Panel.** An appeal of water service conditions of approval that the City proposes for a parcel outside the City's limits may be filed within ninety (90) days after the proposed conditions are forwarded to the Applicant and the County for inclusion in a development permit. The appeal will be heard by the panel described in the following paragraph, and this panel will determine whether any of the conditions under appeal is inconsistent with any provision of this Agreement.

The Appeal Panel will be made up of one member selected by the County Executive Officer, one member selected by the City Manager and one member selected by the two appointed members. If the two appointed members cannot agree on the third member, the name of each candidate shall be placed in a hat to be drawn for selection. The decision of the Appeal Panel will be final, but subject to judicial review pursuant to Code of Civil Procedure section 1094.5. The reasonable cost of the Appeal Panel shall be borne by the Applicant.

EXHIBIT H

City's Water Service Area

